

Notice of Allowability

Application No.

10/774,139

Examiner

Patrick T. Lewis

Applicant(s)

BANKS ET AL.

Art Unit

1623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response filed October 4, 2006.
2. ☒ The allowed claim(s) is/are 9-11, 16, 20, 21, 26-29 and 31-34.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/059,667.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 02062004
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 20061226a
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Dr. Patrick T. Lewis
Primary Examiner
Art Unit: 1623

EXAMINER'S AMENDMENT

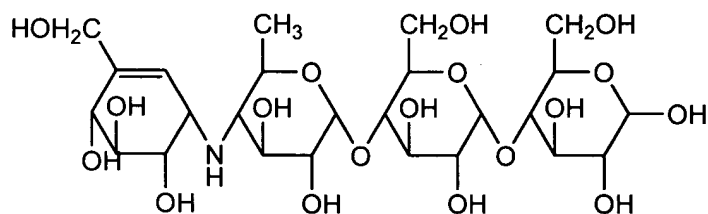
1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Wooten on January 8, 2007.

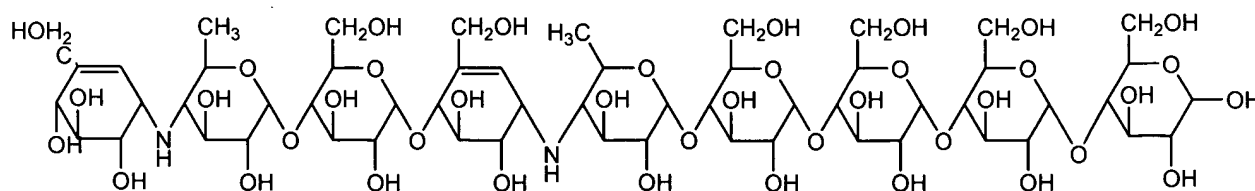
The application has been amended as follows:

Claims 12-15 and 30 have been canceled.

In claim 9, line 1, the term "curative," has been deleted; line 3, after the term "ruminant", the text ---, wherein said inhibitor of a bacterial α -amylase and/or α -glucosidase is

**ACARBOSE**

or

**Compound of Example 8**

--- has been inserted.

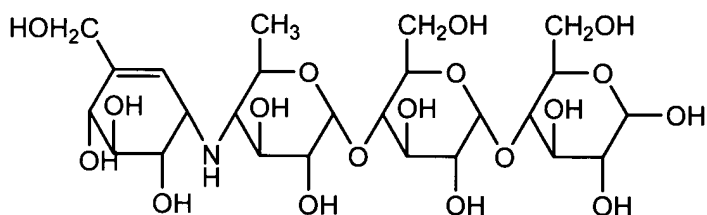
Art Unit: 1623

In claim 10, line 1, after the term "chronic", the term ---rumen--- has been inserted.

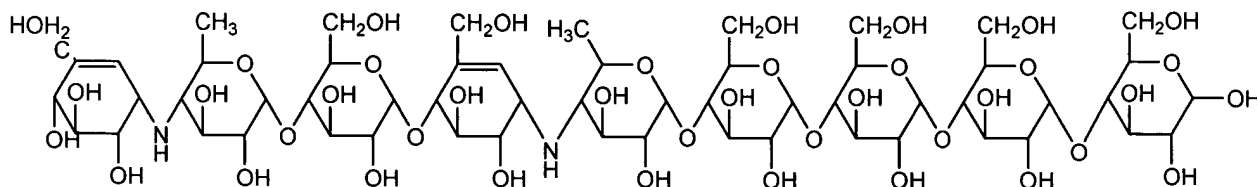
In claim 11, line 1, after the term "acute", the term ---rumen--- has been inserted.

In claim 16, line 1, the number "15" has been deleted and the number ---9--- has been inserted therefor; lines 1-2, the text "selected from" has been deleted.

In claim 20, line 3, after the term " α -glucosidase", the text ---, wherein said inhibitor of a bacterial α -amylase and/or α -glucosidase is

**ACARBOSE**

or

**Compound of Example 8**

--- has been inserted.

In claim 21, lines 1-2, the text "as defined in Claim 30" has been deleted and the phrase ---a compound of Example 8--- has been inserted therefor.

In claim 26, the number "21" has been deleted and the number ---20--- has been inserted therefor.

In claim 27, the text "21 and" has been deleted and the text ---20 or--- has been inserted therefor.

In claim 28, line 1, the text ", 15 and" has been deleted and the term ---or--- has been inserted therefor.

In claim 29, line 1, the text ", 15 and" has been deleted and the term ---or--- has been inserted therefor.

In claim 31, line 1, the text "15, 20, 21, 26 and 30" has been deleted and the text ---20 or 26--- has been inserted therefor.

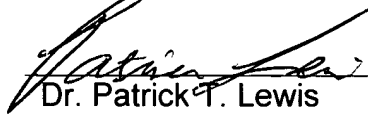
Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick T. Lewis whose telephone number is 571-272-0655. The examiner can normally be reached on Monday - Friday 10 am to 3 pm (Maxi Flex).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "Patrick T. Lewis", is written over a horizontal line.

Dr. Patrick T. Lewis
Primary Examiner
Art Unit 1623

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